

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	(DA 04-1445)
	)	
RCC Minnesota, Inc.	)	
RCC Atlantic, Inc.	)	
	)	
For Designation as an Eligible	)	
Telecommunications Carrier	)	
In the State of New Hampshire	)	

COMMENTS OF NEW HAMPSHIRE RURAL CARRIER GROUP

## Table of Contents

Summary.....	iii
1. The Commission should deny or table RCC’s Petition in light of its release of a Notice of Proposed Rulemaking on ETC designations and Universal Service Support distribution.....	3
2. The Commission should deny RCC’s Petition because RCC is not providing all the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission’s Rules. ....	5
3. The Commission should deny RCC’s Petition because RCC has failed to provide evidence in its petition that permits the Commission to conduct a fact-specific public interest examination.....	8
4. The New Hampshire Independents have a concern regarding RCC’s seeking ETC designation in Granite State Telephone, Inc. and Bretton Woods Telephone Company because of RCC’s admissions that it does not provide service in either of these service areas. ....	14
Conclusion .....	15

## **Summary**

This matter involves the petition of RCC Minnesota, Inc. and RCC Atlantic, Inc. (collectively “RCC”) for designation as an eligible telecommunications carrier (“ETC”) in the New Hampshire Independents’ service areas. The New Hampshire Independents respectfully urge the Commission to deny RCC’s Petition in light of the Commission’s recently issued Notice of Proposed Rulemaking concerning the Federal-State Joint Board on Universal Service Recommended Decision.

Notwithstanding the need to suspend consideration of ETC designations prior to likely changes of the Commissions’ ETC and universal service rules, the New Hampshire Independents provide evidence showing RCC is not providing all the services and functionalities supported by the federal universal service program in accord with the Commission’s Rules. Additionally, RCC has failed to provide evidence in its petition that permits the Commission to conduct a fact-specific public interest examination.

Lastly, RCC seeks to redefine the study area of Granite State Telephone, Inc.. RCC does not provide service in any of Granite State Telephone, Inc.’s service area (nor does it provide any service in the Bretton Woods Telephone Company service area). Thus, it appears RCC’s request to redefine Granite State Telephone, Inc.’s study area and receive ETC designation in Bretton Woods Telephone Company study area is premature.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	(DA 04-1445)
	)	
RCC Minnesota, Inc.	)	
RCC Atlantic, Inc.	)	
	)	
For Designation as an Eligible	)	
Telecommunications Carrier	)	
In the State of New Hampshire	)	

COMMENTS OF NEW HAMPSHIRE RURAL CARRIER GROUP

In response to the Federal Communications Commission (“FCC” or “Commission”) Public Notice in the above captioned matter, the local exchange companies of Bretton Woods Telephone Company, Dixville Telephone Company, Dunbarton Telephone Company, Granite State Telephone, Inc., Kearsarge Telephone Company, Northland Telephone Co. of New Hampshire, Hollis Telephone Company, Merrimack County Telephone Company, and Wilton Telephone Company (collectively the “New Hampshire Independents”, or the “New Hampshire Rural Carrier Group”) through their consultant submit these comments.<sup>1</sup> This matter involves the petition of RCC Minnesota, Inc. and RCC Atlantic, Inc. (collectively “RCC”) for designation as an eligible telecommunications carrier (“ETC”) in the New Hampshire Independents’ service

---

<sup>1</sup> Federal Communications Commission *Public Notice: Parties are Invited to Comment on Petitions for Eligible Telecommunications Carrier Designations*, DA 04-1445, CC Docket No. 96-45, May 21, 2004.

areas located in the state of New Hampshire.<sup>2</sup> The New Hampshire Independents respectfully urge the Commission to deny RCC's Petition in light of the Commission's recently issued Notice of Proposed Rulemaking concerning the Federal-State Joint Board on Universal Service Recommended Decision.<sup>3</sup> Due to the issuance of a Notice of Proposed Rulemaking, the Commission has notified all interested parties in this matter that changes to the Commission rules concerning ETC designation and the scope of federal universal service support are likely to occur. Granting designation prior to the Commission finalizing these potentially new standards will not serve the public interest.

Notwithstanding the need to suspend consideration of ETC designations prior to likely changes of the Commissions' ETC and universal service rules, the New Hampshire Independents provide evidence showing RCC is not providing all the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission's Rules. RCC's failure to comply with Commission rules in providing Commercial Mobile Radio Service ("CMRS") should act as a bar to any ETC designation in this proceeding.

RCC has failed to provide evidence in its petition that permits the Commission to conduct a fact-specific public interest examination. RCC has the burden to provide this in its Petition and has elected to not provide detailed information regarding its universal service offering. Such detail is essential to determine whether universal service is affordable and is consistent with the Commission's rules and policies regarding universal service. Moreover, the

---

<sup>2</sup> RCC Minnesota, Inc. and RCC Atlantic, Inc., *In the Matter of Federal-State Joint Board on Universal Service*, Petition for Designation as an Eligible Telecommunications Carrier in the State of New Hampshire, CC Docket No. 96-45, May 14, 2004 ("Petition").

<sup>3</sup> *In the Matter of Federal-State Joint Board on Universal Service*, Notice of Proposed Rulemaking, CC Docket No. 96-45, FCC 04-127, Rel. June 8, 2004 ("Recommended Decision" or "Notice of Proposed

ramifications of the Commission's proposed rulemaking indicate a significant harm to the respective abilities of the New Hampshire Independents to provide universal service. These considerations were not addressed by RCC in its Petition.

Lastly, RCC seeks to redefine the study area of Granite State Telephone, Inc.. The New Hampshire Independents have a concern regarding this redefinition because of RCC's own admission that it does not provide service in any of Granite State Telephone, Inc.'s service area (nor does it provide any service in the Bretton Woods Telephone Company service area). Thus, it appears RCC's request is premature inasmuch as RCC is not providing any service in these areas in New Hampshire.

For the following reasons, the New Hampshire Independents urge the Commission to deny RCC's Petition.

**1. The Commission should deny or table RCC's Petition in light of its release of a Notice of Proposed Rulemaking on ETC designations and Universal Service Support distribution.**

On June 8, 2004 the Commission released its Recommended Decision. In this decision, the Federal-State Joint Board on Universal Service recommended several items that if accepted will modify the ETC designation process at the Commission and change the method of federal universal service support distribution. In sum, these recommendations now before the Commission may significantly alter the ETC landscape. The New Hampshire Independents respectfully recommend that the Commission defer any decision in the instant proceeding until

---

Rulemaking").

the Commission issues its order on the Recommended Decision. This will allow the Commission to consider the ramifications of RCC's Petition in the context of forthcoming rule changes.

The New Hampshire Independents have cause to be concerned that granting RCC's Petition will create a situation where RCC will likely claim to be grandfathered under the old ETC designation provisions. In another matter before this Commission RCC argues "procedural due process protects CETC *designations* from the retroactive application of new CETC designation *requirements*."<sup>4</sup> Thus, any new requirements raised by the Joint Board and adopted by this Commission may be subject to a due process challenge. To avoid any travesty of public interest in this matter, prudence dictates that the Commission should defer its deliberations on RCC's Petition until it completes its current rulemaking modifications.

It is undeniable that the Joint Board's Recommended Decision has significant and far-reaching implications regarding the designation of ETCs by the Commission and the distribution and capping of federal universal service support. To grant RCC's petition prior to a forthcoming order on matters that have already been notified in the Notice of Proposed Rulemaking may affect the respective abilities of the New Hampshire Independents to continue to provide universal service at affordable rates.<sup>5</sup> It also creates an environment where RCC, for its

---

<sup>4</sup> *In the Matter of RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama*, CC Docket No. 96-45, Reply Comments of RCC Holdings, Inc., June 9, 2004 at 16. (Emphasis in original) ("Reply Comments").

<sup>5</sup> One example of this effect is the cap of federal universal service support on a primary line basis when a CETC is designated. In addition to the primary line recommendation, the Joint Board also recommends "high-cost support in areas served by rural carriers be capped on a per-primary line basis when a competitive ETC is present or when a competitive ETC enters the market and be adjusted annually by an index factor." *See Recommended Decision* at 108. This recommendation would decouple the New Hampshire Independents' federal support from actual expenditures for universal service. This prospect would affect the New Hampshire Independents' ability to commit to continued infrastructure investment under current arrangements.

designation in New Hampshire, could claim that it has received an entitlement and should continue to receive support for its designation.<sup>6</sup>

**2. The Commission should deny RCC’s Petition because RCC is not providing all the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission’s Rules.**

In its Petition, RCC states: “Rural Cellular currently provides all the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission’s Rules, throughout its cellular service area in New Hampshire.”<sup>7</sup> In support of this claim, RCC states “Rural Cellular currently provides 911 access to emergency services throughout its service area.”<sup>8</sup> In Exhibit E of its Petition, RCC provides a declaration which states:

“Access to emergency services. The ability to reach a public emergency Service provider by dialing 911 is a required service in any universal service offering. Enhanced 911 or E911, which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is only required if a public emergency service provider makes arrangements with the local provider for the delivery of such information. Rural Cellular currently provides all of its customers with access to emergency service by dialing 911 in satisfaction of this requirement. Rural Cellular will comply with all Phase II E-911 requirements.”

---

<sup>6</sup> See Reply Comments at 16. “a CETC designation, once conferred, may be considered an entitlement. ... Such entitlements are protected by the constitutional guarantee of procedural due process.”

<sup>7</sup> Petition at 6.

<sup>8</sup> *Id.* at 17.



Commission rule 47 CFR § 54.101(a)(5) states “‘Access to emergency services’ includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems.” When a local government requests E911 service, cellular carriers are required to provide location information to those responding to an emergency. The local governments in New Hampshire have requested Phase II E911 services and according to RCC’s May 3, 2004 E911 Quarterly Report,<sup>9</sup> these services are not being provided to New Hampshire PSAPs that have requested Phase II from RCC.<sup>10</sup>

This Commission receives quarterly status reports regarding RCC’s compliance with this rule. (The rule applies to all CMRS providers, not just ETC designated carriers.) In its May 2004 report to the FCC, RCC admits to “falling short of the FCC mandated requirements.”<sup>11</sup> However, admissions of failure in its filed quarterly report are not considered by the Commission to be a license to continually violate the rule. The Commission reminded CMRS providers that providing information on their failures in their reports does not insulate them from possible enforcement in cases where the carriers have violated the terms of the FCC rules.<sup>12</sup>

The New Hampshire Independents’ review of the FCC website does not indicate RCC has requested a waiver of the Commission rules. RCC openly acknowledges that it is not currently following the access to emergency service rules it is obligated to follow as a CMRS

---

<sup>9</sup> See RCC E911 Quarterly Report, CC Docket No. 94-102, May 3, 2004 (“E911 Quarterly Report”) at 3.

<sup>10</sup> See 47 CFR § 20.18.

<sup>11</sup> E911 Quarterly Report at 3.

<sup>12</sup> See Order to Stay, FCC 02-210, July 11, 2002, at 29.

provider. Under the *Accardi* doctrine,<sup>13</sup> the Commission must abide by its own rules. Since RCC does not provide Phase II E911 service in New Hampshire according to section 47 CFR § 54.101(a)(5) of the Commission’s universal service rules, RCC’s Petition must be denied.

Rather than seeking waiver, RCC filed comments supporting the Phase II E911 relief petition of certain Tier III carriers. It commented that such relief should apply equally to larger Tier II carriers, such as RCC. However, the Commission denied the Tier III petition. The Commission stated, “a critical component of the consumer protection goal is the protection of public safety.”<sup>14</sup> It stated that the accuracy requirement “has a strong connection with the promotion of public safety<sup>15</sup> . . . [and the] life-saving advantage of being able to know accurately and quickly the location of an emergency is obvious.”<sup>16</sup> Moreover, the Commission stated it “finds a compelling public interest in taking steps to ensure that E911 system performance keeps pace with the latest technologies.” Lastly, the Commission stated “while the public interest is a broader concept than public safety, the latter is a particularly important factor in the public interest calculus.”<sup>17</sup>

---

<sup>13</sup> As stated by RCC itself, “the *Accardi* doctrine holds that government agencies are bound to follow their own rules, even if self-imposed procedural rules that limit otherwise discretionary decisions. *See Accardi v. Shaughnessy*, 347 U.S. 260, 267-28 (1954); *Wilkinson v. Legal Services Corp.*, 27 F.Supp. 2d 32, 34 n.3 (D.D.C. 1998).” *Reply Comments* at note 3.

<sup>14</sup> *In the Matter of Petition for Forbearance From E911 Accuracy Standards Imposed On Tier III Carriers For Locating Wireless Subscribers Under Rule Section 20.18(h)*, Order, WT Docket No. 02-377, rel. Nov. 19, 2003 at 15.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 16.

<sup>17</sup> *Id.* at 26.

In light of the foregoing, in addition to the *Accardi* doctrine, there are sound public policy and public interest grounds for requiring RCC to comply with existing CMRS requirements prior to awarding them a designation of an ETC in the State of New Hampshire. It would be contrary to the public interest to designate a company as an ETC when it is undisputed that the company is currently in violation of a prior Commission order. Hence, RCC's Petition should be denied.

**3. The Commission should deny RCC's Petition because RCC has failed to provide evidence in its petition that permits the Commission to conduct a fact-specific public interest examination.**

Throughout RCC's discussion of the public interest lie several unsupported factual statements and apparent inaccuracies. For instance, RCC claims that an ETC designation will "facilitate the provision of advanced communications services to the residents of rural New Hampshire."<sup>18</sup> RCC implies that residents of rural telephone service areas have "long trailed urban areas" in receiving advanced telecommunications services.<sup>19</sup> RCC provides no facts supporting this assertion. However, several industry reports show exactly the opposite conclusion – rural independent customers receive advanced telecommunications services and innovative services at timelines that far exceed urban areas.<sup>20</sup>

---

<sup>18</sup> Petition at ¶ 31.

<sup>19</sup> *Id.*

<sup>20</sup> See *e.g.*, NTCA 2003 Broadband Survey Report, available at [www.NTCA.org](http://www.NTCA.org); OPASTCO 2004 Advanced Services Survey, May 10, 2004 Press Release available at [www.OPASTCO.org](http://www.OPASTCO.org).

RCC claims that service quality and customer service will improve if it is designated as an ETC in New Hampshire.<sup>21</sup> Here again, RCC provides no facts supporting its allegation that service quality of the New Hampshire Independents is degraded in any way with respect to the reliability standards that are wireline industry norms.

In another matter, RCC states,

upon designation as an ETC, Rural Cellular will make available to consumers a universal service offering over its cellular network infrastructure, using the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers. As required by law, Rural Cellular will provide service to any customer requesting service within the designated ETC service area upon reasonable request.<sup>22</sup>

RCC chose not to provide this Commission with any information regarding its “universal service offering,” thus the Commission cannot determine with any particularity whether RCC’s designation is consistent with Congressional principles which require that quality services should be available at “affordable rates.”<sup>23</sup>

Moreover, RCC did not provide any information on whether this universal service offering will require additional customer premises equipment that customers would need to purchase in addition to a basic monthly service charge.

RCC speaks of offering service when it receives a reasonable request for service. However, it provides no details that define its understanding of a reasonable request. Without a clear understanding of the term “reasonable request,” the offer made by RCC is empty and

---

<sup>21</sup> Petition, at ¶ 39.

<sup>22</sup> Petition at ¶ 6.

sterile. The New Hampshire Independents recommend that the Commission define what it requires for reasonable request offerings.

RCC states that it commits to “construct additional facilities to improve service quality, reduce dead spots, and extend telephone service to people who have no choice of telephone provider today.”<sup>24</sup> RCC has not demonstrated a firm, comprehensive build-out schedule for the rural service areas for which it seeks ETC designation. Further, it appears RCC wants to use federal support received from select New Hampshire service areas in specific telephone markets unrelated to the service area from which it receives support. The New Hampshire Independents’ concern is that RCC is not proposing to use federal support in the manner in which it was intended.<sup>25</sup> No ETC should be allowed to receive support for one service area and use this support in another service area. The purpose of federal support is service-area-specific. All ETCs must use federal support in the service area for which it receives the support. Otherwise, the competitive ETCs would be allowed to make a mockery of the federal and state certification process. This requirement is consistent with the process the Commission has for non-rural service areas. The Commission specifically targets wire-center service areas to receive support for services offered in those specific geographic areas.<sup>26</sup> Any build-out by RCC, assuming *arguendo* RCC were designated an ETC in the New Hampshire Independents’ service areas,

---

<sup>23</sup> See 47 U.S.C. § 254(b)(1).

<sup>24</sup> Petition at ¶ 33.

<sup>25</sup> See 47 CFR § 54.314.

<sup>26</sup> See 47 CFR § 54.309.

should be targeted to specifically designated service areas. RCC should not be permitted to take support from one service area and spend this support in another service area.

In light of this concern, the New Hampshire Independents note that RCC's vague build-out plan does not meet the standard for build-out plans used by the Commission in the Virginia Cellular proceeding. The Commission stated its desire weigh the benefit of a "competitive ETC's ability to satisfy its obligation to serve the designated service areas within a reasonable time frame."<sup>27</sup> In this proceeding, RCC has expressed its intent to "improve wireless service to the communities in or around Littleton, Plymouth, Lyme and Rollinsford areas."<sup>28</sup> According to Exhibits B and C of the Petition, these areas, with the exception of Rollinsford, are listed as Verizon wire center locations. Rollinsford is located north by west of Plymouth New Hampshire and is also in Verizon's service territory. RCC's Petition does not commit to use any universal service funds in the New Hampshire Independents' service areas. RCC's proposal is contrary to the Commissions' policy that funds be used in the service areas for which they are received. Further, RCC's proposal is not in the public interest. To designate a carrier in a service area that does not propose to use federal support in that service area fails the most basic aspect of public interest -- being of service to the designated public.

Upon review of RCC's public interest discussion, the New Hampshire Independents find no discussion of the purpose of the public interest requirement. The New Hampshire Independents believe it is important to observe that while seeking to promote competition in telecommunications services nationwide, Congress has determined that it may not be in the

---

<sup>27</sup> *In the Matter of Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order, FCC 03-338, Rel. Jan. 24, 2004 at 28 ("Virginia Cellular").

<sup>28</sup> Petition at ¶ 33.

public interest to have more than one ETC designated in areas served by rural carriers. In order to designate a second ETC in these areas, Congress requires that an explicit determination be made by state commissions that a second ETC designation is in the public interest.<sup>29</sup> The proposition that competition universally benefits all customers in all areas and thus all competitors should qualify for universal service support is not supported by congressional action, nor is it recommended by the Joint Board. Congress passed several provisions in the Telecommunications Act of 1996 that identified the need to temper and in some instances forestall competition in areas served by rural carriers.<sup>30</sup> These provisions were enacted because Congress knew that in certain instances the results of a competitive market could run contrary to the public interest. One reason why competition can be destructive rather than beneficial is due to the economic reality of large investments in plant and equipment for telecommunications service in sparsely populated areas. In these instances, the public interest has been best served by creating the largest critical mass of customers for one carrier; thereby creating the best economies of scale for rural areas. Pertaining to universal service support, Congress clearly prescribed a mechanism whereby competitive carriers must meet a public interest test prior to receiving universal service support for their networks in areas served by rural telephone companies.

The RCC Petition does not address these concerns because it does not acknowledge the public policy purposes surrounding the public interest in areas served by many New Hampshire

---

<sup>29</sup> See 47 USC § 214(e)(2).

<sup>30</sup> See 47 USC § 214(e)(2) and (e)(6), § 251(f), and § 253(f).

Independents. An example of this is RCC's discussion of the burden it will impose on the universal service fund. It states that upon designation it will receive "less than 0.007 percent of the USF, a negligible amount."<sup>31</sup> Contrary to RCC's depiction of the effect of its actions, the New Hampshire Independents argue this proceeding will have a considerable impact on federal universal service support. There is a longstanding line of economic literature that explores the concept of externalities. In this literature, economists explore the affect of small incremental actions by individuals on social outcomes. One of the more famous examples in this literature is called the "Tragedy of the Commons."<sup>32</sup> In this tragedy an undesirable outcome arises because individual villagers graze their cows on a common field. Because the villagers do not consider their impact on the society as a whole, each villager allows his cows to over-graze the common field and under-graze his private property. Another example of this principle is found in a New York Times report stating that "overfishing has decimated the stocks of cod, haddock and flounder that have sustained New Englanders for centuries."<sup>33</sup> The overfishing example highlights the problem of the tragedy of the commons: "Each fisherman has a negligible impact on the total stock of fish, but the accumulated efforts of thousands of fishermen results in serious depletion."<sup>34</sup> The determination in this proceeding will affect, for good or ill, the sustainability of the federal universal service programs at a scale far larger than what RCC acknowledges.

---

<sup>31</sup> Petition at ¶ 47.

<sup>32</sup> G. Hardin, "The Tragedy of the Commons," *Science*, 1968, pp. 1243-47.

<sup>33</sup> "Plenty of Fish in the Sea? Not Anymore," *New York Times*, March 23, 1992, page A-15.

<sup>34</sup> Hal R. Varian, *Intermediate Microeconomics, A Modern Approach*, Third Edition, Norton, 1993, page 562 (Emphasis Supplied).



In light of the lack of specific information regarding RCC's service plans, the incorrect facts it relies upon, and its lack of consideration of the larger impact of granting ETC designations, the New Hampshire Independents respectfully recommend that the Commission find that the public interest has not been satisfied by RCC's Petition.

**4. The New Hampshire Independents have a concern regarding RCC's seeking ETC designation in Granite State Telephone, Inc. and Bretton Woods Telephone Company because of RCC's admissions that it does not provide service in either of these service areas.**

RCC seeks to redefine Granite State Telephone, Inc.'s study area. However, RCC admits that it is incapable of serving any of these exchanges. In an April 26, 2004 letter to Granite State Telephone, Inc. attached as Exhibit A, RCC corrected a prior letter and stated "we do not provide coverage in Granite State Telephone's service areas." Hence, RCC's request to split Granite State Telephone, Inc. into multiple service areas is premature. RCC must first at minimum offer some service in Granite State Telephone, Inc. service area prior to receiving designation.<sup>35</sup> RCC's own admission shows that it is not offering CMRS service in Granite State Telephone, Inc.'s service area.

---

<sup>35</sup> The New Hampshire Independents are aware of the Commission's order regarding South Dakota's requirement to serve the entire service area prior to designation. *See In the Matter of Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, Declaratory Ruling, CC Docket No. 96-45, FCC 00-248, rel. Aug. 10, 2000. The facts in this proceeding are substantively different from those in South Dakota. Here, RCC does not provide any service in any Granite State Telephone, Inc. exchange areas. A minimum requirement for ETC designation is the offering of services. *See* 47 U.S.C. § 214(e)(1)(A). According to RCC, no RCC offering exists in any of Granite State Telephone, Inc.'s exchanges.

Moreover, Exhibit B reveals that RCC does not provide CMRS service in the Bretton Woods Telephone Company service area. Thus, RCC's request to seek ETC designation in this service area is premature and not consistent with the requirements of the Act that require at minimum a service offering in the service area in which the petitioner is seeking ETC designation.<sup>36</sup>

### **Conclusion**

The New Hampshire Independents have provided compelling reasons why RCC's Petition should be denied. Absent denying the Petition, the New Hampshire Independents recommend that the Commission delay action on RCC's Petition until it issues its order on the Recommended Decision. This current rulemaking process will directly affect the New Hampshire Independents when a second ETC has been or will be designated in their service area.

Sincerely,

/s/ Manny Staurulakis

On behalf of the New Hampshire Independents

Manny Staurulakis, President  
John Staurulakis, Inc.  
6315 Seabrook Road  
Seabrook, Maryland 20706  
(301) 459-7590

June 21, 2004

---

<sup>36</sup> See 47 U.S.C. § 214(e)(1).

# **EXHIBIT A**



RURAL CELLULAR CORPORATION

---

April 26, 2004

Susan Rand King  
Granite State Telephone  
600 South Stark Highway  
PO Box 87  
South Weare, NH 03281

Susan,

This is in response to the Bona Fide Request that Rural Cellular Corporation sent you on April 5<sup>th</sup>, 2004.

Upon further review, we have found that we do not provide coverage in Granite State Telephone's service areas. Therefore, please disregard the Bona Fide Request sent to you by Rural Cellular Corporation.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

*Kathy McGinn*  
*WNP and Code Administrator*  
Rural Cellular Corporation  
320-808-2482 desk  
320-808-2466 fax  
kathyjm@rccw.com



## **EXHIBIT B**

RURAL CELLULAR CORPORATION

---

April 26, 2004

042904

Karen Wante  
Bretton Woods Telephone  
171 Mt. Washington Hotel Rd  
Bretton Woods, NH 03575

Karen,

This is in response to the Bona Fide Request that Rural Cellular Corporation sent you on April 5<sup>th</sup>, 2004.

Upon further review, we have found that we do not provide coverage in Bretton Woods' service areas. Therefore, please disregard the Bona Fide Request sent to you by Rural Cellular Corporation.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Kathy McGinn  
WNP and Code Administrator  
Rural Cellular Corporation  
320-808-2482 desk  
320-808-2466 fax  
kathyjm@rccw.com

